

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CHASE PARTNERS BAY SHORE, LLC,

Plaintiff,

-against-

ELEVEN MAPLE AVENUE ASSOCIATES,
LLC, LISA M. PACE,

Defendants.

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LINDSAY, Magistrate Judge:

Before the court is the defendants' application seeking to compel the plaintiffs' attorney, Jonathan C. Sullivan, Esq. and the law firm Ruskin Moscou Faltischek, P.C. (the "firm") to contact defense counsel and advise defendants whether or not the firm would be able to resolve a potential conflict in this case or whether new representation would be in order so that the parties could proceed with discovery. To date, neither Mr. Sullivan nor the firm have advised defense counsel on how they intend to proceed nor have they submitted any response to this application.

By way of background, approximately one month ago during the course of the deposition of defendant Eleven Maple Avenue Associates, LLC ("defendant"), plaintiff's counsel learned that his firm was currently representing one of the majority members of the defendant. Counsel for the parties suspended the deposition in light of a potential conflict of interest, and Mr. Sullivan advised defense counsel that he would discuss the matter with his firm and contact defendants within one week. After several weeks had elapsed, defense counsel placed a call to Mr. Sullivan which was not returned. Defense counsel then faxed a letter requesting that he contact him by the close of business June 7, 2013 and that a failure to contact him would necessitate judicial intervention. Mr. Sullivan placed a call to defense counsel on June 10, 2013, but when defense counsel returned the call, he was advised that Mr. Sullivan was not in his office at the time.

A telephone conference in the above-captioned case has been scheduled for **June 25, 2013 at 12:00 p.m.** Counsel for plaintiffs is directed to initiate the call and have all parties on the line before connecting to the Court at **(631) 712-5730**. The Court strongly urges that the call be placed through an outside operator providing teleconferences services. All parties must participate.

Dated: Central Islip, New York
June 18, 2013

SO ORDERED:

_____/s/_____
ARLENE ROSARIO LINDSAY
United States Magistrate Judge